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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,967	04/11/2001	Stephan V. Schell	110411QPR.US	3832
30233	7590	02/25/2004	EXAMINER	
TROPIAN INC. 20813 STEVENS CREEK BLVD. CUPERTINO, CA 95014			VO, DON NGUYEN	
			ART UNIT	PAPER NUMBER
			2631	
DATE MAILED: 02/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/833,967	SCHELL, STEPHAN V.	
	Examiner	Art Unit	
	DON N VO	2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 April 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 10-16 and 26-32 is/are allowed.
- 6) Claim(s) 1-9 and 17-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 September 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Specification

1. Applicant is respectfully requested to provide the U.S Patent Application No. for the application indicated on page 7, third paragraph of the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 7-9, 17-20, and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kelton et al (5,745,527).

As shown in figure 1, Kelton teaches an apparatus for controlling the ramping of the QAM communications signal comprising adding (16 and 12) predetermined sequence of symbols (zeros) to the information symbols and performing modulation (13, 19 and 20) to produce an envelope signal. See column 5, lines 18-47.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 6, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelton et al (5,745,527).

Kelton teaches all subject matter claimed except for specifically teaching that the communications signal is an EDGE communications signal (claims 5 and 21) or a D-AMPS communications signal (claims 6 and 22). However, Kelton also teaches that other modulation types are also applicable and numerous modifications and changes will readily occur to those skilled in the art. See column 5, lines 40-58. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kelton et al to be operable for the EDGE communications signal or a D-AMPS communications signal if it is needed for communicating the EDGE communications signal or a D-AMPS communications signal since it is just a matter of selecting a different modulation type. (Column 5, lines 40-47)

Allowable Subject Matter

6. Claims 10-16 and 26-32 are allowed over prior art of record.

Conclusion

7. Kolze et al (6,285,681 B1) and Hulkko et al (5,551,067) are cited because they are pertinent to the controlling method of ramping the communications signal. However, none of the cited references teaches or suggests, in combination, the specific arrangements of "the ramp-up portion is produced based on a first half of a communication pulse signal, a squared magnitude of the Fourier transform of the

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communications pulse signal being approximately proportional to the power spectrum of the communications signal; and the ramp-down portion is produced based on a second half of the communication pulse signal" as recited in the method claim 10 and the corresponding apparatus claim 26 and further limitations of their respective dependent claims 11-16 and 27-32.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DON N VO whose telephone number is (703) 305-4885. The examiner can normally be reached on 8:30AM-5:00PM, Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MOHAMMAD GHAYOUR can be reached on (703) 306-3034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DON N VO
Primary Examiner
Art Unit 2631